

REMARKS

Claims 1-3, 5-12 and 14-18 are pending.

Claims 1-3 and 5-9 are allowed.

Claims 10-12 and 14-18 stand rejected.

Claims 10-12 and 14-18 have been amended. Support for these amendments can be found throughout the specification and drawings, as originally filed.

This response is submitted in response to a Final Office Action and is deemed to place the application in a condition for allowance, or alternatively, in better condition for appeal.

The Applicants wish to express their appreciation to the Examiner for the courtesies extended to the Applicants' attorney, Preston Smirman, during a telephonic interview held on December 18, 2006.

DRAWING AMENDMENTS

The Examiner indicated that the replacement sheet containing corrections to Figs. 8 and 9 were not received with the last Response by the Applicant. Another copy of the replacement sheet containing corrections to Figs. 8 and 9 is being submitted concurrently with the instant amendment.

35 USC §103(a) REJECTION

Claims 10-12 and 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 3,490,309 to Gustavson.

The Applicant respectfully traverses the 35 U.S.C. §103(a) rejection of claims 10-12 and 14-18.

The standard for obviousness is that there must be some suggestion, either in the reference or in the relevant art, of how to modify what is disclosed to arrive at the claimed invention. In addition, "[s]omething in the prior art as a whole must suggest the desirability and, thus, the obviousness, of making" the modification to the art suggested by the Examiner. *Uniroyal, Inc. v. Rudkin-Wiley Corp.*, 837 F.2d 1044, 1051, 5 U.S.P.Q.2d (BNA) 1434, 1438 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988). Although the Examiner may suggest the teachings of a primary reference could be modified to arrive at the claimed subject matter, the modification is not obvious unless the prior art also suggests the desirability of such modification. *In re Laskowski*, 871 F.2d 115, 117, 10 U.S.P.Q.2d (BNA) 1397, 1398 (Fed. Cir.1989). There must be a teaching in the prior art for the proposed combination or modification to be proper. *In re Newell*, 891 F.2d 899, 13 U.S.P.Q.2d (BNA) 1248 (Fed. Cir. 1989). If the prior art fails to provide this necessary teaching, suggestion, or incentive supporting the Examiner's suggested modification, the rejection based upon this suggested modification is error and must be reversed. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

The law is also clear that a claim in dependent form shall be construed to incorporate all the limitations of the claim to which it refers. 35 U.S.C. 112, fourth paragraph.

In the interests of expediting prosecution of the instant application, and without admission that any amendment is required, the Applicant has amended claim 10 to recite, among other things, a sheet bending brake for securing a work piece, comprising: (1) a guide

mechanism operably associated with the sheet bending brake, the brake including a clamping member having a lower leg extending therefrom, a pivoting arm and a guide mechanism, the pivoting arm being pivotally supported by and extending from the clamping member to define a clamping area with the lower leg, the guide mechanism reacting between the clamping member and the pivoting arm for moving the pivoting arm between an open position and a closed position; (2) a pivot link having a body, the body having a top end and a bottom end and first and second side walls, the top end having an aperture extending from the first side wall to the second side wall, the bottom end having a pocket extending toward the top end and a pair of slots extending from one side wall to the other side wall, the pair of slots each having a first end portion and a spaced and opposed second end portion, the pocket intersecting the pair of slots; (3) a spring mechanism located within the pocket; (4) a rod inserted through the pair of slots, the spring mechanism being located between the rod and an end of the pocket; and (5) a bolt threaded through an aperture in the pivoting arm and the pair of slots, the spring mechanism being located between the bolt and an end of the pocket, wherein the bolt is selectively operable to travel between the first end portion and the second end portion of the pair of slots so as to permit the compression and decompression of the spring mechanism.

Gustavson does not disclose or suggest any such structure.

Specifically, as the Examiner has already acknowledged, Gustavson fails to disclose or suggest, among other things, that a guide mechanism is positioned between a clamping member and a pivoting arm of a sheet bending brake. Thus, one of ordinary skill in the art

would not look to Gustavson for guidance on a constructing a sheet bending brake, as presently claimed.

Because claim 10 is allowable over Gustavson for at least the reasons stated above, claims 11, 12 and 14-18, which further depend from and further define claim 10, are likewise allowable.

Accordingly, the Applicant contends that the 35 U.S.C. 103(a) rejection of claims 10-12 and 14-18 has been overcome.

ALLOWABLE SUBJECT MATTER

Claims 1-3 and 5-9 are allowed.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests reconsideration and reexamination of the Application. The Applicant respectfully submits that each item raised by Examiner in the Final Office Action of December 6, 2006 has been successfully traversed, overcome or rendered moot by this response. The Applicant respectfully submits that each of the claims in this Application is in condition for allowance and such allowance is earnestly solicited.

The Examiner is invited to telephone the Applicant's undersigned attorney at (248) 723-0423 if any unresolved matters remain.

Any needed extension of time is hereby requested with the filing of this document.

The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 08-2789. A duplicate copy of this letter is enclosed herewith for this purpose.

Respectfully submitted,

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